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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LISA SMITH,)
9 Plaintiff,) CASE NO. C16-1818 RSM
10 v.)
11 MEGAN DOHTRY, *et al.*,) SECOND ORDER DENYING MOTION
12 Defendants.) TO APPOINT COUNSEL
13)
14)

15 This matter comes before the Court on Plaintiff's Second Motion to Appoint Counsel.
16 Dkt. #25. In a prior motion to appoint counsel, Plaintiff stated that she contacted one attorney in
17 April 2016 and one attorney in July 2016. Dkt. #8. Plaintiff has been granted leave to proceed
18 *in forma pauperis* in this matter. Dkt. #6. The Complaint was filed on November 30, 2016.
19 Defendants appeared on April 17, 2017. Dkt. #19.

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21 In civil cases, the appointment of counsel to a *pro se* litigant "is a privilege and not a
22 right." *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation
23 omitted). "Appointment of counsel should be allowed only in exceptional cases." *Id.* (citing
24 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together "both the
25 likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se*
26 in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954
27 (9th Cir. 1983). Even where the claim is not frivolous, counsel is often unwarranted where the
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1 litigant's chances of success are extremely slim. *See Mars v. Hanberry*, 752 F.2d 254, 256 (6th
2 Cir. 1985).

3 At this early stage of the litigation, the Court cannot find that Plaintiff is entitled to
4 appointment of counsel. It does not yet appear that any exceptional circumstances exist, and
5 there is no record before the Court that would allow the Court to adequately examine whether
6 Plaintiff's claims appear to have merit. Moreover, Plaintiff has filed a Motion to Amend her
7 Complaint, which remains pending at this time. Dkt. #27.
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9 Accordingly, the Court hereby finds and ORDERS that Plaintiff's Motion to Appoint
10 Counsel (Dkt. #25) is DENIED without prejudice. This Order does not preclude Plaintiff from
11 re-filing this Motion once a factual record pertaining to her claims has been more fully developed.
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13 DATED this 16th day of June 2017.

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16 RICARDO S. MARTINEZ
17 CHIEF UNITED STATES DISTRICT JUDGE
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